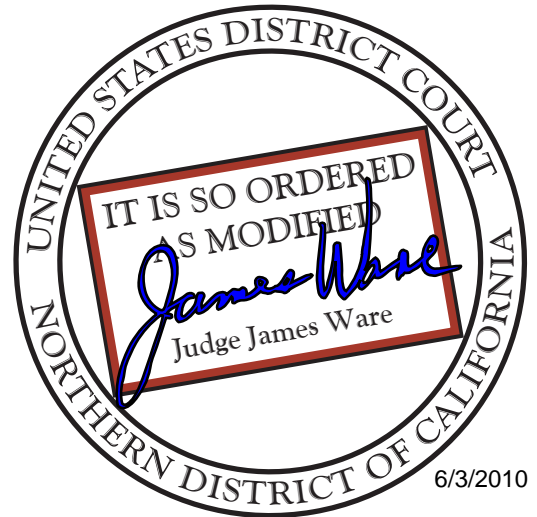


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14



15
16 UNITED STATES DISTRICT COURT
17
18 NORTHERN DISTRICT OF CALIFORNIA
19
20 SAN JOSE DIVISION

21 SECURITIES AND EXCHANGE
22 COMMISSION,

Plaintiff,

23 v.

24 KENNETH L. SCHROEDER,

Defendant.

Case No. C-07-3798-JW (HRL)

**JOINT PRETRIAL STATEMENT AND
[PROPOSED] AMENDED SCHEDULING
ORDER**

1 Plaintiff Securities and Exchange Commission (the “Commission”) and defendant
2 Kenneth L. Schroeder respectfully submit this Joint Pretrial Statement and Proposed Amended
3 Scheduling Order in advance of the Pretrial Conference set for June 7, 2010.

4 WHEREAS the Court entered an amended scheduling order for this case on January 11,
5 2010 [Docket No. 204];

6 WHEREAS the Court’s amended scheduling order requires the parties to submit
7 preliminary pretrial conference statements by May 28, 2010;

8 WHEREAS Mr. Schroeder, without admitting or denying the allegations of the
9 complaint, consented to the entry of partial final judgment on March 31, 2010;

10 WHEREAS Mr. Schroeder’s consent to the entry of partial final judgment has not yet
11 been considered by the Commission;

12 WHEREAS if approved by the Commission and entered by the Court, the partial final
13 judgment will resolve all aspects of this case except the issue of whether it is appropriate to enter
14 an order, pursuant to Section 21(d)(2) of the Exchange Act [15 U.S.C. §78u(d)(2)], barring
15 Mr. Schroeder from serving as an officer or director of any issuer required to file reports with the
16 Commission pursuant to Sections 12(b), 12(g) or 15(d) of the Exchange Act [15 U.S.C.
17 §§781(b), 781(g), 780(d)];

18 WHEREAS, if the consent is approved by the Commission and entered by the Court, the
19 Commission will submit a brief asking that the Court impose no more than a five-year bar and
20 Mr. Schroeder would oppose the Commission’s request by asking that no bar be imposed;

21 WHEREAS the parties believe that the following extensions to the current deadlines set
22 forth in the Court’s amended discovery order would allow them to complete discovery and
23 would permit sufficient time, approximately one month, for the Commission to consider the
24 proposed consent, which if approved by the Commission would require only a briefing and
25 argument on the officer and direct bar issue;

26 IT IS HEREBY STIPULATED by the parties, and the parties ask the Court to adopt as its
27 amended scheduling order, the following:

- 28
- Close of All Discovery: July 26, 2010

- The Commission's Opening Brief on Officer and Director Bar Issue: July 26, 2010
- Mr. Schroeder's Opposition Brief: September 17, 2010
- The Commission's Reply Brief: October 8, 2010
- Hearing: **November 1, 2010 9:00 AM**

IT IS FURTHER STIPULATED THAT, in the event the Commission does not approve the proposed consent by June 25, 2010, the parties will jointly notify the Court and will submit a proposed schedule for dispositive motions and trial.

Dated: May 28, 2010

KEKER & VAN NEST LLP

By: /s/ R. James Slaughter

R. JAMES SLAUGHTER
Attorneys for Defendant
KENNETH L. SCHROEDER

Dated: May 28, 2010

SECURITIES AND EXCHANGE
COMMISSION

By: /s/ Mark P. Fickes

MARK P. FICKES
Attorneys for Plaintiff
SECURITIES AND EXCHANGE
COMMISSION

Schroeder's undersigned counsel of record, R. James Slaughter, hereby attests that Mark P. Fickes concurs in the filing of this stipulation, in accordance with General Order No. 45, *Electronic Case Filing*, section 10(b).

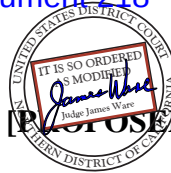
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[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED:

The Preliminary Pretrial Conference set to June 7, 2010 is continued to **September 27, 2010 at 11:00 AM**. On or before **September 17, 2010**, the parties shall file a joint statement updated the Court on the status of the parties' partial settlement efforts.

Dated: June 3, 2010


HON. JAMES WARE
UNITED STATES DISTRICT JUDGE